

ADMINISTRATIVE - INTERNAL USE ONLY

PERS 77-2282

OGC Has Reviewed

8 JUL 1977

OGC 77-4369

DD/A Registry  
77-3952Exec Registry  
77-42976

MEMORANDUM FOR: Director of Central Intelligence

VIA : Office of General Counsel  
Deputy Director for Administration  
Deputy Director of Central Intelligence

FROM : F. W. M. Janney  
Director of Personnel

SUBJECT : Facilities for Physical Conditioning and Recreation

REFERENCE : A. OP Memorandum 76-6231, dtd 15 Dec 76,  
Subject: Survey of Interest in Facilities  
for Physical Conditioning, Recreational  
and Social Activities (Attached)

B. OL Memorandum, dtd 4 Apr 77, Subject:  
Study of External Recreational Facilities  
at Headquarters (Attached)

C. OGC Memorandum 77-3706, dtd 10 June 77,  
Subject: Use of Appropriated Funds for  
Physical Conditioning and Recreational  
Facilities (Attached)

1. Action Requested: This memorandum presents recommendations for your consideration with regard to facilities for physical conditioning and recreation.

2. Background:

a. An employee survey was initiated at the request of the DDCI in October 1976 to determine interest in these programs. While the results of the survey did not provide overwhelming support for a multi-purpose recreational building, considerable interest was expressed in physical fitness, exercise and athletic activities that could be provided at the work location (reference A). The results of the survey were reviewed with the DDCI in January 1977 and it was determined that a program of moderate improvements in facilities would be developed for consideration. In view of the magnitude of the project, we have perforce deferred consideration of facilities for buildings other than Headquarters until we have more experience and answers to questions already raised.

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Recreation

b. It has been determined from previous Office of General Counsel (OGC) reviews that appropriated funds cannot be used for recreational purposes but that they can be used for official physical conditioning programs designed to maintain a level of physical fitness required to perform official duties. The FBI provides a large gymnasium, supervised exercise and a variety of specialized conditioning facilities which were justified during the construction of their new building to provide for physical fitness of their special agent personnel. We have used a similar approach in constructing our Physical Fitness Room, purchasing necessary equipment, providing a physical fitness instructor and installing the indoor running track. In our case we have cited the need for physical conditioning of the DCI Protective Staff and of personnel required to meet the special medical requirements for overseas duty. When considering improvements in the facilities, it is necessary, therefore, to draw a distinction between personal recreation and official physical conditioning in order to determine possible funding sources.

c. Reference B is a planning study prepared by the Real Estate and Construction Division (RECD), OL, presenting recommendations for limited improvements in existing indoor facilities, proposed locations for external facilities and cost estimates. With regard to improving existing indoor facilities, action has already been taken in several areas. Meetings have been held with representatives of Logistics, Medical Services and Personnel to determine needed improvements. The GSA Building Manager was apprised of the importance of the program and this resulted in a complete spring cleaning of the Headquarters Physical Fitness Area, including painting of the walls and woodwork. The asphalt tile floor was replaced to improve the cleanliness and appearance of the Area. A revised cleaning schedule has been established to provide for more frequent and thorough service. Necessary repairs to the indoor running track have been completed. Finally, the Office of Personnel has as a FY 1977 MBO Objective the completion of a fully coordinated review with Medical Services of the operation of the Headquarters and [redacted] Building Physical Fitness Rooms with a view toward achieving STAT a measurable improvement in the service provided. All of these improvements are being made with appropriated funds as necessary for the official physical conditioning of Agency personnel.

d. With regard to external facilities, a review of all available land adjacent to the Headquarters compound was made. Two areas were identified as best suited for development, one for walking and jogging trails and a second for physical conditioning and recreational activities. The walking and jogging trails would cost approximately \$600 with the only real expense being signs to mark the path and direct participants. It would be entirely within the compound and would require no site preparation (see attachment 5, reference B).

SUBJECT: Facilities for Physical Conditioning and Recreation

e. There would be considerable site preparation and cost involved in the second area of development which would be for major facilities such as: tennis and basketball courts, fields for softball, football and soccer, and a picnic area. The location is directly behind the Printing Services Building. Complete development of this area, with all of the facilities and lighting included in our plans, would cost about \$160,000. It is recognized that this large sum is not likely to be available and the plans, therefore, indicate the costs of individual components which could be constructed incrementally in a variety of combinations.

f. While official physical conditioning is often thought of as an individual program of exercise and/or running, there are other activities that accomplish the same results. For instance, many individuals prefer to play handball, squash, or basketball regularly in order to maintain a good physical condition. Facilities for this purpose are provided in the official physical fitness areas of other Federal agencies. Other facilities, such as tennis courts, are equally useful for physical conditioning but are frequently omitted because of space limitations. All of these facilities would provide a valuable addition or alternative for Agency employees who have official physical conditioning requirements.

g. The Director of Security has recommended that access to the major facilities area be through the outside fence so that it is not necessary to breach the main perimeter security fence or any security fence adjacent to the West Parking Lot and Printing Services Building. In order to maintain security control of the area and limit public access, it would be necessary to install an Electro Card lock gate with a wooden arm that raises when an appropriate card is inserted in the machine. It is estimated that \$15,100 would be required for an electric gate, gravel road, 20-car parking lot and necessary electric service work. An OGC opinion has been requested as to whether this cost could be funded from appropriated funds since it is essentially a security requirement.

h. New buildings would eventually be constructed in this area if the conceptual master plan for the development of the site were followed. There is no indication at this time that such construction will take place in the near future. The planned buildings would not, in any case, cover the proposed tennis courts or handball court. It is likely that the basketball/volleyball court would be eliminated by building construction. The softball, football and soccer fields would definitely be lost to new buildings.

i. A limited source of non-appropriated funds is available through the Central Employees Activities Fund (CEAF) which is used for the general benefit and morale of Agency personnel. This fund

SUBJECT: Facilities for Physical Conditioning and Recreation

has been established from excess net profits of self-sustaining activities and net proceeds from the termination and liquidation of assets of such activities. It has been determined that up to \$25,000 could be made available for recreation purposes without unduly jeopardizing the ability of CEAF to satisfy future requirements.

j. The Employee Activity Association (EAA) is another source of non-appropriated funds. After reviewing the RECD planning study the EAA Board of Directors has voted to make available up to \$50,000 for the following facilities that meet the needs of large numbers of active EAA participants, provided that a determination is made that appropriated funds cannot be used for this purpose and provided that the area will be available for this purpose for a reasonable period of time considering the expenditure involved:

<u>Facility</u>	<u>Estimated Cost</u>
Softball	\$ 9,100
Football/Soccer	11,000
Basketball	9,250
Volleyball	350
Handball	5,500
Contingency, maintenance and upkeep	<u>14,800</u>
TOTAL	\$50,000

There are not sufficient EAA funds available at this time to consider tennis courts, a second football field or the lighting of the individual facilities. These are matters which the EAA Board would address in the future if this becomes necessary and desirable and funds become available.

k. There is also the possibility that non-appropriated funds could be raised through the contributions, investment or dues payments of employees and retirees. In the early 1970's NSA surveyed their employees and found only 40 willing to invest as much as \$500 in a multi-purpose club. They were unable to move ahead with their very ambitious plans. Our own employee survey in October 1976 did not provide any clear demonstration of financial support for a particular activity or method of operation. Some employees wanted to include family and guests while others were concerned about maintaining cover. Most had a specific activity that they were particularly interested in and their support likely hinged on the availability of that particular facility.

### 3. Staff Position:

a. Section 8 of the CIA Act provides that sums made

SUBJECT: Facilities for Physical Conditioning and Recreation

available by appropriation may be expended for health service programs. These services are further defined in Section 7901 of Title 5 as programs to promote and maintain the physical and mental fitness of employees. However, in its most recent opinion on this subject (reference C) OGC indicates that there are sufficient doubts about the justification for an Agency physical fitness program that appropriated funds should not be used for the proposed new facilities unless specific authorization is obtained from Congress or a review by the Comptroller General is requested.

b. The walking and jogging trails are a necessary adjunct to our present indoor track and Physical Fitness Room. They would provide an alternative for individuals involved in official physical conditioning and should be developed if the estimated cost of \$600 can be paid from appropriated funds; otherwise, CEAF funds should be used.

c. Security is the principal factor involved in requiring that access to the major facilities area be through the outer fence. It is possible that the expenditure of \$15,100 for an electric gate, required electric service, gravel road and 20-car parking lot could be from appropriated funds. In the event appropriated funds cannot be used, CEAF funds should be used for this purpose.

d. Our Headquarters Physical Fitness Area is limited in size and there is no room for expansion. There is a need to provide a broader range of activities and the only way to accomplish this in the foreseeable future is with external facilities. We believe that additional alternatives are necessary to meet official physical conditioning requirements and it is possible the following activities could be paid for from appropriated funds if the Comptroller General agrees or Congressional authorization is obtained:

<u>Activity</u>	<u>Estimated Cost</u>
Tennis - 4 courts	\$50,000
Basketball	9,250
Volleyball	350
Handball	5,500

e. At this time we would have greater difficulty in applying the concept of official physical conditioning to team sports such as football, softball and soccer. While conditioning is certainly involved, there is a somewhat rigid and limited schedule of activity. It is our conclusion that EAA should be permitted to fund the football, softball and soccer fields. If appropriated funds are not available for the basketball, volleyball and handball facilities, EAA should also be permitted to fund these facilities. Careful consideration must be given, however, to the possibility of new building construction in this area in the future.

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f. We believe that consideration of the lighting for the various areas should be deferred until we have some experience with the use of the facilities. It would also appear that the picnic area is not essential at this time.

g. If some or all of the facilities considered above are constructed, there will be a need for drinking fountains and trash containers. The cost of these is estimated at \$7,560 and it should be provided from appropriated funds if the facilities are similarly funded. If appropriated funds are not available, CEAF funds should be used. While we did not obtain cost estimates on restroom facilities, this would be a limited additional expense.

h. One of the best gymnasiums and physical fitness facilities available in Government buildings is the new FBI Building. They were able to justify their program and commit the needed space during the construction planning stage. While there are no immediate prospects for new building construction for the Agency, this appears to be the only available opportunity to provide for a gymnasium, squash and indoor handball courts, and possibly an indoor swimming pool. We believe that such facilities should be an important part of any future plans for new buildings.

i. The other possible source of financial support would be fund raising from employees or retirees. There are separate problems and considerations in such activities. We would not be able, for instance, to invite retirees to use any of our physical fitness facilities that are provided by appropriated funds since they are intended only for employees. Individuals who made contributions or paid dues would expect certain considerations in terms of use, hours of operation and general administration which might not prove possible or desirable from an Agency management viewpoint. While fund raising remains a possibility, it is believed that we should defer consideration at this time until other alternatives have been fully explored.

j. In summary, an overall plan has been developed which would provide a substantial improvement in facilities for physical conditioning and recreation. Appropriated funds cannot be used for recreation purposes and should not be used for the proposed physical conditioning facilities without further review by the Congress or the Comptroller General. External review will require considerable delay and we cannot predict which facilities could ultimately be provided with appropriated funds. Fund raising would also result in further delays. Since there is a need for additional facilities now, and non-appropriated funds are available from CEAF and EAA, it is our conclusion that this source should be used to get the program moving with specific appropriation requests to follow in order to augment the official physical fitness program.

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SUBJECT: Facilities for Physical Conditioning and Recreation

4. Recommendation: It is recommended that you approve the following course of action:

a. The RECD planning study contained in reference B be approved for use in developing facilities for physical conditioning and recreation.

b. Construction of the following facilities using appropriated funds, for security and physical fitness purposes, if OGC concurs, or CEAF funds as an alternative:

<u>Facilities</u>	<u>Estimated Cost</u>
Walking and Jogging Trails	\$ 600
Electro Card Gate, Road, Parking and Electric Service	<u>15,100</u>
TOTAL	\$15,700

c. Construction of the following recreational and unfunded physical fitness facilities with funds made available from CEAF and EAA:

	<u>Facilities</u>	<u>Estimated Cost</u>	<u>Physical Conditioning</u>	<u>Recreation</u>
CEAF	Drinking Fountains, Trash Containers	\$ <u>7,560</u>	x	
	TOTAL CEAF	\$ 7,560		
EAA	Softball	\$ 9,100		x
	Football/Soccer	11,000		x
	Basketball	9,250	x	
	Volleyball	350	x	
	Handball	5,500	x	
	Contingency, maintenance and upkeep	<u>14,800</u>	x	
	TOTAL EAA	\$50,000		

d. Specific appropriations be requested at the earliest date possible for the construction of four tennis courts at an estimated cost of \$50,000 as a part of our health services program for the physical fitness of employees.

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FROM COMPTROLLER

This Office concurs in the recommendations contained in paragraph 4 with the proviso that the use of appropriated funds for those items set out in subparagraph 4(b) be reviewed by the Comptroller to ensure that there is a reasonable relationship between the expenditures and the physical security programs and personnel related services in the congressional budget submission.

I agree.

STATINTL

Comptroller  
7/14/77



SUBJECT: Facilities for Physical Conditioning and Recreation

e. If appropriations are provided for these facilities, consideration should be given in subsequent appropriation requests to the lighting and upgrading of existing facilities.

f. Inclusion in future building plans of a gymnasium, shower room, locker facilities, squash and handball courts, exercise room and indoor swimming pool for official physical fitness purposes.

[Redacted]  
F. W. M. Janney

STATINTL

Atts

CONCUR:

[Redacted]

\*

*for* Office of General Counsel

*11 July 77*  
Date

[Redacted]  
Deputy Director for Administration

*11 July 77*  
Date

Deputy Director of Central Intelligence

Date

APPROVED:

[Redacted]  
Director of Central Intelligence

*subject to Congressional review*

DISAPPROVED:

Director of Central Intelligence

Date: - 8 AUG 1977

\* Subject to comments on routing slip.

[Redacted]

ILLEGIB

ER

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DD/A Registry

76-6231

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM : F. W. M. Janney  
Director of Personnel

VIA : Deputy Director for Administration *John E. Blake*  
*17 DEC 1976*

SUBJECT : Survey of Interest in Facilities for Physical  
Conditioning, Recreational and Social Activities

1. This memorandum is for your information.
2. A survey questionnaire was forwarded with Employee Bulletin [ ] dated 27 October 1976, asking for the opinions of all Headquarters employees on a number of questions related to the providing of facilities for physical conditioning, recreational and social activities. A copy of that survey, including notations of the responses, is attached. A total of [ ] questionnaires were returned, representing a 30% response. While not eliciting complete data on which to plan an ideal complex, the survey did provide some insight into what Agency employees would like to have, the extent to which they feel their employer should provide physical conditioning and recreational facilities, and their willingness to contribute funds for such facilities.
3. The first question on the survey asked the employee's opinion regarding the need for a multi-purpose activities center and what impact it would have on employee morale. Approximately 30% of the respondents indicated this was urgently needed and would greatly contribute to morale. Conversely, 10% felt this to be unnecessary and not an influence on employee morale. Over half of those who participated in the survey indicated moderate interest in an Agency multi-purpose center.
4. Question 2 attempted to determine employees' opinions on who should be permitted to use the facility. Approximately one out of four prefer use to be restricted to Agency employees. An equal number want to be able to bring in outside guests. Half of the responses indicated a preference for restricting admittance to Agency personnel and members of their immediate families.
5. Questions 3, 4, 5 and 6 were to determine how frequently, by whom, and at what time the center would be used. Most significant of the information gained from these questions was the fact that:
  - a. Almost half indicated they would utilize the facility frequently and an additional one-third said they would use it occasionally.
  - b. Approximately one out of four responded that family participation was not applicable to them.
  - c. The greatest expected use would be on weekends.

ADMINISTRATIVE

EYES ONLY

SUBJECT: Survey of Interest in Facilities for Physical Conditioning, Recreational and Social Activities

6. An attempt was made in question 7 to determine the types of facilities desired. Choices were: indoor athletic, outdoor athletic, social (meeting and party rooms), and dining facilities. More than one preference could be marked. Indoor athletics was the overwhelming favorite with [ ] votes. Outdoor athletics was second with about half as many votes. The remaining choices received significantly less responses. This question also asked for a write-in of preferred locations. This produced insignificant response except for over 100 employees who indicated Rosslyn.

7. Question 8 listed several possible activities that might be included in a multi-purpose center and asked for first, second and third preference to be indicated. The attached copy of the survey shows a tabulation of first, second and third place votes and a ranking based on the number of "first preference" votes. Indoor swimming, tennis, and bowling were most popular in that order. A surprisingly low eighth and twelfth places went to softball and football, two of EAA's most popular activities.

8. Questions 9, 10 and 11 attempted to elicit to what extent employees would be willing to support financially Agency athletic and recreational facilities. As a number of volunteered comments pointed out, it is difficult for one to state how much he or she will pay for use of a facility when the facility is not fully defined. It was considered essential, however, to obtain some expression from employees as to what extent they expected to share in the cost of the facilities. Regarding use of the facilities such as tennis courts, bowling alleys and swimming, employees were almost equally divided (approximately one out of three) on general membership dues only versus a combination "use fee" and "general dues." One out of four employees favored only the "fee per individual use" concept. Questions 10 and 11 addressed the attitude toward possible purchase of shares and annual dues. Very few employees indicated an interest in investing more than \$100 in either.

9. Item 12 on the survey asked for any comments or suggestions the employee wished to make. One out of three chose to do so. As might be expected, comments ran the gamut from "a great idea" and "should be like Pentagon facilities" to "a dumb idea" and "a waste of time and money." Some comments fell in between these extremes, indicating this was a nice idea but doubtful that it will ever come to pass. The question of who should be permitted use of the facilities drew many comments from those who are under cover. In strong terms they indicated outside participation would prevent their use. Of the constructive comments, two were most dominant - improve the exercise facilities already in existence in the Headquarters Building and provide exercise facilities in Rosslyn (and to a lesser extent in other buildings). Some who commented just wanted to point out the benefits (to the Agency as well as themselves) of exercise programs. Conversely, there were others who felt that the Government is being cheated out of an eight-hour day and employees should do their exercising (and recreating) on their

SUBJECT: Survey of Interest in Facilities for Physical  
Conditioning, Recreational and Social Activities

own time. Many wished to give a plug for their favorite sport by singling out tennis courts, or handball, or an indoor pool, or new softball fields, as a must. Those commenting against the proposal, although not a majority, were substantial and presented one or more of four arguments against increasing recreational facilities. Most prominent was the opinion that this is not the Agency's responsibility and would be an improper use of the taxpayer's money. Second was a strong concern that this would result in bad publicity for the Agency at a time when it can least afford it. Third was the idea that the providing of facilities would foster paternalism, clannishness, and inbreeding when more community participation by employees should be stressed. Fourth was the concern on the part of some that their work environment (office space) was already substandard and the providing of recreational facilities should be secondary to improving this situation.

10. In summary, the degree of employee interest expressed in the survey would not appear to provide overwhelming support for a recreational building. The survey does, however, indicate the strong interest that many employees have in fitness, exercise, and athletic activities and the desire to engage in these activities at their work location. There was also a frequent expression of opinion that the existing facilities should be improved and expanded and additional facilities should be made available to employees working in other than the Headquarters Building. It is therefore our intention to:

a. make the results of this survey available to the Board of Directors of the Employee Activity Association for their consideration in connection with EAA budget planning and future activities, and

b. present the results of the survey to the Deputy Director for Administration after which we will initiate discussions with him and appropriate personnel of his office regarding improvement of present exercise and athletic facilities, availability of space for exercise facilities in other buildings (especially Rosslyn), and inclusion of recreational activities in the planning of new buildings.

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F. W. M. Janney

Att

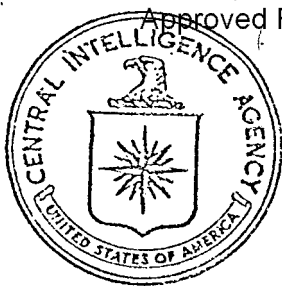
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ATINTL

OP/BSO

14 Dec 76



# EMPLOYEE BULLETIN

TINTL

27 October 1976

## SURVEY OF INTEREST IN FACILITIES FOR PHYSICAL CONDITIONING, RECREATIONAL AND SOCIAL ACTIVITIES

1. The Agency has a strong and continuing interest in the physical conditioning of its employees and in providing opportunities for recreational and social activities that are commensurate with security and cover requirements. This has resulted in the provision of physical fitness facilities wherever possible and in the strong management support that is provided to the Employee Activities Association (EAA).

2. While the use of appropriated funds is restricted in these areas and EAA's resources are limited, it is desired every effort be made to provide the best possible program within available resources. A review of other Federal civilian agencies has been made to determine their success in this regard and the facilities being provided to their employees. This review indicates that the Agency program ranks very high. However, there is always room for improvement.

3. Even during the early planning stages for the Headquarters Building, consideration was given to the possibility of providing a nearby multi-purpose physical conditioning, recreation and social center for employees and, possibly, their families. It was not feasible to carry through those plans for a variety of reasons. One of the major factors was a lack of sufficient private capital and that continues to be a significant problem today.

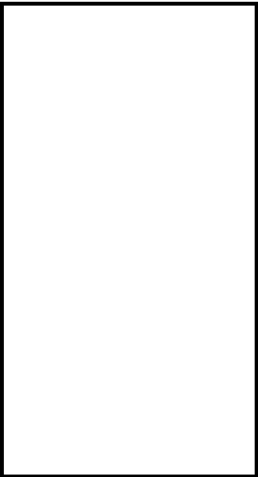
4. Before giving any further consideration to this matter, there is a need to determine the current interest and preferences of Agency employees. Would a multi-purpose center near the Headquarters Building have sufficient appeal, thus encouraging further action? If so, what should the center contain? Would employees be willing to participate and provide financial support? If not, are there smaller, single or dual-purpose facilities that are desired and can be supported? Where should they be located?

5. In order to find the answers to pertinent questions, the attached survey questionnaire has been prepared. The interest (or lack of interest) on the part of each employee will effect future decisions that are made on this matter. This is your opportunity to express your personal preferences. Please mark your answers to the survey questions, add any comments you would like to make, and forward via office mail to Room 1016 Ames Bldg. Your name is not required. The form should be returned no later than 17 November.

DISTRIBUTION: ALL EMPLOYEES


ADMINISTRATIVE - INTERNAL USE ONLY

1. I believe that an Agency multi-purpose center in the Headquarters Building area

- 
- ☐ ( ) Is urgently needed and would contribute greatly to the morale of employees
  - ☐ ( ) Would be nice to have and would help improve employee morale to some degree
  - ☐ ( ) Is unnecessary and would have no influence on employee morale
  - ☐ ( ) No opinion

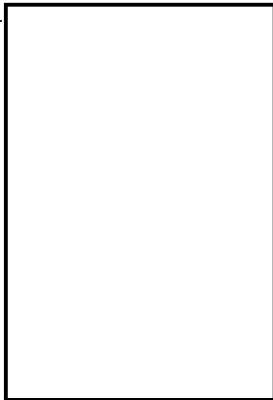
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2. Regarding eligibility to use an Agency center or individual facilities, I would -

- 
- ☐ ( ) Prefer that it be restricted to Agency personnel.
  - ☐ ( ) Prefer that it be restricted to Agency personnel and members of their immediate family
  - ☐ ( ) Prefer having the opportunity to bring in outside guests
  - ☐ ( ) No preference

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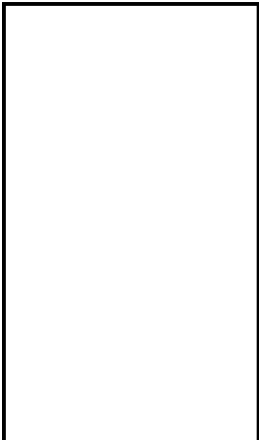
3. If a center or individual facilities are available, I -



- ☐ Would make frequent use of the facilities
- ☐ Would occasionally use the facilities
- ☐ Would rely primarily on other facilities
- ☐ Am not sure how often I would use them

ST

4. If family participation were provided, my family



- ☐ Would make frequent use of the facilities
- ☐ Would occasionally use the facilities
- ☐ Would rely primarily on other facilities
- ☐ Am not sure how often family would use them
- ☐ Not applicable

STA



7. The type of facilities I would find most beneficial are -

- 
- ☐ Indoor athletic
  - ☐ Outdoor athletic
  - ☐ Social (meeting and party rooms)
  - ☐ Dining facilities
  - ☐ No preference

Indicate location, if other than Headquarters Building area

STATINTL

8. Please indicate the three activities most wanted by you.  
(Indicate your order of preference by writing 1st, 2nd, and 3rd) -

Rank\*

- 
- |    |  |   |
|----|--|---|
| 3  | <input type="checkbox"/> Bowling                 | <input type="checkbox"/> Golf driving range   |
| 10 | <input type="checkbox"/> Billiards               | <input type="checkbox"/> Softball             |
| 2  | <input type="checkbox"/> Tennis                  | <input type="checkbox"/> Football             |
| 1  | <input type="checkbox"/> Swimming, indoor        | <input type="checkbox"/> Shuffleboard         |
| 7  | <input type="checkbox"/> Swimming, outdoor       | <input type="checkbox"/> Social or game rooms |
| 5  | <input type="checkbox"/> Dining                  | <input type="checkbox"/> _____                |
| 11 | <input type="checkbox"/> Meeting rooms & lounges |   |
| 4  | <input type="checkbox"/> Racquetball-Handball    |   |

STATINTL

\*Ranking based on number of "first preference" votes.

5. Family participation would be by -

ST

☐ Spouse

☐ Children - specify number by age group

\_\_\_\_\_ under 6

\_\_\_\_\_ 7-10

\_\_\_\_\_ 11-14

\_\_\_\_\_ 15 and over

☐ Other - indicate number \_\_\_\_\_

☐ Not applicable

6. I would use the center or facilities during -

☐ 0600 to 0800 hours

☐ 0800 to 1600 hours

☐ 1600 to 1800 hours

☐ After 1800 hours

☐ Weekends

11. ( in addition to shares, I would be willing to pay annual dues  
of -

Family

Self-Only

( ) \$0-24

( ) \$0-24

( ) \$25

( ) \$25

( ) \$50

( ) \$50

( ) \$100

( ) \$100

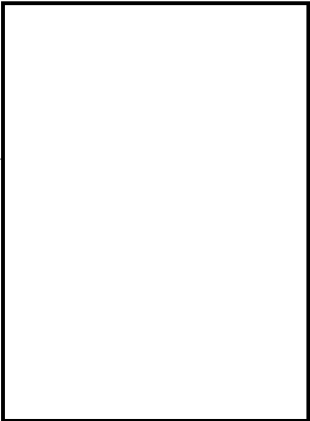
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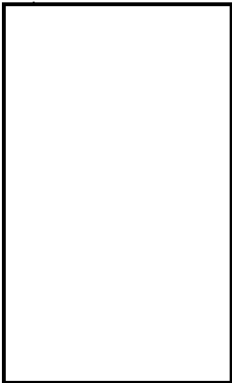
12. Please indicate below any comments or suggestions you may have  
on this matter:

9. If individual facilities such ( tennis courts, bowling alleys or swimming pools were made available, I would prefer that payment for their use be on the basis of -

- 
- ☐ ( ) Fee per individual use
  - ☐ ( ) General membership dues permitting unlimited use of all facilities
  - ☐ ( ) Combination of "use fee" and "general dues"
  - ☐ ( ) No preference

ST

10. Regarding financial support of an Agency center, I would be willing to invest the following in shares -

- 
- ☐ ( ) \$ 07 / 24
  - ☐ ( ) \$25
  - ☐ ( ) \$50
  - ☐ ( ) \$100
  - ☐ ( ) \$101+

ST

STATINTL

Approved For Release 2006/11/20 : CIA-RDP85-00375R000400120009-7

STATINTL

STATINTL

STATINTL

14 APR 1977

MEMORANDUM FOR: Chief, Benefits and Services Division, OP

FROM :   
Chief, Real Estate and Construction Division, OL

VIA : Director of Logistics

SUBJECT : Study of External Recreational Facilities at  
Headquarters

1. In early January the Real Estate and Construction Division (RECD), Office of Logistics, was requested by the Office of Personnel to undertake a planning study of possible external recreational facilities which could be located at the Headquarters compound. Proposed layouts and cost estimates were to be developed for multiple use of these facilities by male, female, and handicapped employees as possible. These facilities were to be employee oriented rather than for family use. In addition, a review of the existing internal recreational facilities within Headquarters Building was to be accomplished to improve their utilities support systems and level of housekeeping.

2. After discussion with the Office of Personnel, it was decided to investigate but not limit the study to recreational activities such as softball; field sports; golf; basketball and volleyball; tennis; handball; racquetball; badminton; track; and walking, jogging, and bike trails.

3. A review of the existing internal recreational facilities in Headquarters Building indicates that several items should be corrected at an estimated cost of \$3,115. (See Attachment No. 1) It is proposed to correct these items by the issuance of work orders to the General Services Administration (GSA) for accomplishment through normal services expected from GSA and hopefully funded through "Standard Level User Charge" funds.

OL 7 0976

SUBJECT: Study of External Recreational Facilities at Headquarters

4. A review of the entire area available at the Headquarters compound for construction of recreational facilities, considering topographic conditions, environmental considerations, site construction costs, and the location and availability of existing parking areas, suggests the establishment of two functional recreational areas; one for walking and jogging trails and another for recreational sports and picnicking. (See Attachment Nos. 5 and 6.) The construction costs for these facilities are divided between initial starting costs of \$26,560 for an initial construction phase to provide site access and general accommodations (See Attachment No. 2) and phased individual costs for each specific activity including, in most cases, exterior lighting of these individual activities.

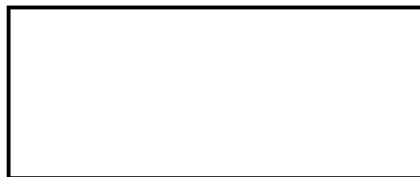
5. The initial starting costs include installation of a new electrocard lock entrance gate, construction of a gravel road and a 20-car gravel parking lot, and a VEPCO installation of an electrical service drop and switch station No. 1 to provide electricity for the new entrance gate. Installation of a 1 1/2-inch waterline from the Printing Services Building would provide drinking water at the tennis courts and at the picnic area. Picnic tables and trash cans are to be located as shown on Attachment No. 6. The erection of signs at various points, marking the location of walking and jogging trails, would complete the initial construction phase.

6. Attachment No. 3 lists the cost of a basketball court, volleyball court, handball court, softball field, tennis courts, football and soccer field, and proposed lighting of many of these facilities. The above facilities could be constructed in various combinations or phases depending upon expected use and funding availability. A matrix summarizing costs of construction of these facilities over the next 5 years is presented in Attachment No. 4. This matrix presents a basis for determining optional incremental funding and a medium for priority selection of the more desirable recreational facilities.

7. The Director of Security has reviewed these plans and has no objections to them from a security viewpoint as access to the proposed recreational areas does not breach the existing main perimeter security fence or any security fence adjacent to the west parking lot and Printing Services Building.

SUBJECT: Study of External Recreational Facilities at Headquarters

8. The overlay, Attachment No. 7, reflects the existing conceptual site master development plan for potential future construction of facilities within the Headquarters compound area. This overlay indicates the potential impact of such future construction upon the recreational facilities presently proposed.



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Attachments (7)

cc: C/PhySD/OS, w/atts  
1,2,3,4,5, & 6  
C/LSD/OL, w/atts  
1,2,3,4,5, & 6



Cost Estimate  
Internal Improvements for Recreation  
Facilities at Headquarters Building

Item

1. Venting of Clothes Dryer Adjacent to Women's Locker Room and Cleanup of the Room	\$ 350.00
2. Cleaning of Exhaust Grille, Scrubbing Down of Tile Walls to Remove Mildew and Painting of Ceiling of Men's Locker Room (Two Coats) Also Refinish Bench	225.00
3. Repair Running Track	800.00
4. Manufacture and Install Grille for Return Air Duct in Punching Bag Room	<u>40.00</u>
TOTAL	\$1,415.00

Initial Costs for Walking and Running Tracks,  
Picnic Area, Entrance Gate, Parking Lot  
and General Accommodations

1. New Electro Card Lock Gate with Raise Wooden Arm, Gravel Road and 20-Car Parking Lot	\$11,600.00
2. VEPCO Service Drop & Switch Station No. 1	3,500.00
3. Picnic Tables with Seats - 6 each at \$150.00	900.00
4. Trash Containers for Picnic Area, 4 Tennis Courts and 1 Handball Court - 6 each at \$60.00	360.00
5. Signs with Steel Posts for Walking and Running Track, 24" x 24" Reflective - 15 each at \$40.00	600.00
6. 1 1/2" Galv. Water Line with Two Drinking Fountains (1200 ft.)	7,200.00
	<hr/>
Subtotal	\$24,160.00
Contingency - 10%	2,400.00
	<hr/>
Total	\$26,560.00

Cost Estimate by Line Item

FY 1977

1. Basketball Court College Size 50' x 94'	\$9,250.00
2. Volleyball Court Size 42' x 72' (Utilize Basketball Court) Use 2 Portable Stanchions and Net	350.00
3. Handball Court	5,500.00
4. Lighting for Handball Court	3,380.00
5. Softball Field No. 1	9,100.00
6. Lighting for Softball Field No. 1	14,400.00
7. Tennis Courts Nos. 1 thru 4	50,000.00
8. Lighting for Tennis Courts Nos. 1 thru 4	17,700.00
9. Football and Soccer Field	11,000.00
10. Lighting of Football Field and Soccer Field	12,800.00
Total	<hr/> \$133,480.00

## Cost Estimate By Line Item and Fiscal Year 77 Through 81

Item	77	78	79	80	81
1. Basketball Court	\$9,250	\$9,921	\$10,640	\$11,411	\$12,238
2. Volleyball Court	350	375	402	431	462
3. Handball Court	5,500	5,899	6,327	6,786	7,278
4. Lighting for Handball Court	3,380	3,625	3,888	4,170	4,472
5. Softball Field No. 1	9,100	9,760	10,468	11,227	12,041
6. Lighting for Softball Field No. 1	14,400	15,444	16,564	17,765	19,053
7. Tennis Courts Nos. 1 thru 4	50,000	53,625	57,513	61,638	66,155
8. Lighting for Tennis Courts Nos. 1 thru 4	17,700	18,983	20,359	21,835	23,418
9. Football Field and Soccer Field	11,000	11,798	12,653	13,570	14,554
10. Lighting of Football Field and Soccer Field	12,800	13,728	14,723	15,790	16,935
TOTALS	\$133,480	\$143,158	\$153,537	\$164,623	\$176,606

OGC 77-3706  
10 June 1977

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM: 

Associate General Counsel

SUBJECT: Use of Appropriated Funds for Physical Conditioning  
and Recreational FacilitiesREFERENCE: Memo for DDCI, Via DDA, fm D/OP, dtd 9 May 77,  
Subj: Facilities for Physical Conditioning and  
Recreation

1. This is in response to your request for a review of the legality of spending appropriated funds for certain employee physical conditioning and recreational facilities. Referent memorandum suggests the following expenditures: \$600 for walking and jogging trails; \$15,100 for an electric gate, gravel road and 20-car parking lot; \$50,000 for four tennis courts; \$9,200 for a basketball court; \$350 for a volleyball court; \$5,500 for a handball court; and \$7,550 for drinking fountains and trash containers.

2. Article I, Section 9, Clause 7 of the Constitution, which provides, in pertinent part, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made Law; . . .," imposes a limitation on the disbursing authority of the executive branch unless funds have been duly appropriated by an act of Congress. Cincinnati Soap Co. v. United States, 301 U.S. 308, 321 (1937). By virtue of this provision, Congress has broad discretionary power to prescribe conditions and details attendant to expenditures of appropriated funds. Id at 322. The purposes of an appropriation, as well as the terms and conditions under which it is made, are matters solely for the Congress and neither the executive nor judicial branches are entitled to interfere or usurp this constitutional authority. Spaulding v. Douglas Aircraft Co., 60 F. Supp. 985, 988; aff'd, 154 F.2d 419 (9th Cir. 1946); see also Hart's Case, 118 U.S. 62 (1886). Accordingly, no Federal officer, including the President, can legally expend funds without, or in a manner inconsistent with, a congressional appropriation. Reeside v. Walker, 52 U.S. 272, 291 (1850).

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3. The basic statute governing the use of appropriated funds is found at 31 U.S.C. 628 which provides:

Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

The thrust of this provision is that inherent in the constitutionally based appropriation process is the understanding that when Congress appropriates funds to the various departments to carry out the functions and responsibilities assigned to each, it does so on the basis of an informed consent regarding the purpose or purposes for which the funds will be spent. Obviously, it is impossible for the Congress to be fully informed on every minor item of expenditure by each department of the Government and accordingly, certain rules of interpretation have grown up within the body of appropriations law, primarily as promulgated by the Comptroller General of the United States. Often he has been called upon to provide opinions on various and sundry expenditures sought to be made under generic, housekeeping or maintenance provisions of appropriations acts and in doing so has tried to find some logical nexus between the proposed expenditure and the purpose of the appropriation. In the absence of such a nexus, the proposed expenditure fails for want of legal authority.

4. The touchstone opinion of the Comptroller General in the area of using generally appropriated funds to provide recreational facilities for employees is found at 18 Comp. Gen. 147, 10 August 1938. In responding to the Secretary of War who wanted to use appropriated funds to provide recreational facilities for a Government workforce which was constructing a project on Midway Island, the Comptroller General held:

While the furnishing of recreational facilities may be highly desirable, particularly in a place such as referred to in your letter, they constitute expenses which are personal to the employees and which are not permitted to be furnished from appropriated funds unless provided in the appropriation either specifically or by necessary implication... In the present case, while it appears that the proposed expenditures would provide recreational and entertainment facilities for the employees, there has been no showing made or even any allegations that such expenditures are really within the purview of the appropriation for rivers and harbors improvements proposed to be used

for the prosecution of the project in question, or that such expenditures are essential in or even reasonably incident to prosecuting the project. Therefore, the question submitted is answered in the negative.

Ten years later, he applied the same reasoning to a question on the availability of appropriated funds to pay the salaries of civilian employees who were to develop, organize and supervise recreational programs for civilian employees of the Navy Department:

It may be stated as a general rule that the use of appropriated funds for objects not specifically set forth in the appropriation act but having a direct connection with and essential to carrying out the purposes for which the funds were appropriated is authorized. However, while recreational and entertainment programs for Federal employees doubtless may be desirable in certain instances, such as referred to in your letter, it would seem that, at most, they have an indirect bearing upon the purposes for which the appropriations were made. Hence, in the absence of a clear expression on the part of the Congress that appropriated funds be used in connection with recreational and entertainment activities for Federal employees, this Office would not be warranted in authorizing such use, notwithstanding the administrative determination of desirability of the matter. Accordingly, your question is answered in the negative. 27 Comp. Gen. 679 (12 May 1948)

This rigid position of the Comptroller General has continued and has been relaxed in only a few instances. Via an unpublished opinion, B-86148, 8 November 1950, he turned down use of appropriated funds for incentive background music at three Navy installations. In another, B-126374, 14 February 1956, citing 18 Comp. Gen. 147, he denied reimbursement to a Department of State officer who had spent \$53.50 to hire a boat and crew for a recreational trip on the Red Sea. A 23 May 1958 opinion, B-135817, directed a certifying officer not to certify a claim for \$17.95 for a volleyball, net and horseshoes purchased by the Forest Service for off-duty use by its employees at a remote site; the certifying officer believed a specific appropriation permitted the expenditure in question, and argued that unless the equipment was provided and the men encouraged to engage in "recreational activity of a wholesome nature," they would become restless

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and sluggish due to inactivity, and this, in turn, would detract from the effectiveness of the Forest Service training. Citing again 18 Comp. Gen. 147, the Comptroller General held that, "at most, the furnishing of such equipment has only an indirect bearing upon the purposes for which the appropriation was made."

5. An example of the required logical nexus suggested previously is found in an opinion where the Comptroller General held that a specific appropriation act, the Mexican-American Treaty Act of 1950 which authorized the construction of a number of items including "recreational facilities for the officers, agents, and employees of the United States," therefore included, by necessary implication, an authorization to purchase playground equipment for the children of said employees. He ruled further, however, that the people who used the recreational facilities should be charged because, in most circumstances, they would be expected to furnish such equipment or facilities at personal expense; he did not require a charge for use of playground equipment. 41 Comp. Gen. 264, 24 October 1961.

6. Those few opinions in which this rigid prohibitive position has been relaxed provide little significant support for the proposed expenditures set out in the first paragraph. In one, where a Federal Aviation Administration appropriation specifically provided for "the construction and furnishing of quarters and related accommodations" in an isolated sector of the Panama Canal Zone, the Comptroller General interpreted the appropriation "as including certain limited recreational facilities such as tennis courts and playground facilities." B-173009, 20 July 1971 [Emphasis added.]. The opinion contained a number of criteria which distinguish it from the general rule. First, there was a specific appropriation which lent itself to the desired interpretation -- the "related accommodations" emphasized above; second, there had been an administrative determination that the absence of recreational facilities adversely impacted on the ability of the FAA to perform its functions at the location; and third, the facts underlying the administrative determination appeared compelling -- the FAA housing sites were isolated and not close to any recreational facilities and the absence of some form of recreation had caused dependent teenagers to turn to narcotics and vandalism and this, in turn, hampered personnel recruitment. The Comptroller General did not believe, however, that "related accommodations" included the construction of a gymnasium.

7. Other departures from the position are as follows: Based on a determination of the Commissioner, Bureau of Public Debt, that "scientifically programmed music" would improve employee morale, increase employee productivity and result in savings to the Government, the Comptroller General found that such

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music was a "necessary expense" and permitted payment of \$61.00 per month to MUZAK, thus reversing B-86148 of 8 November 1950. 51 Comp. Gen. 797, 6 June 1972. He also permitted an expenditure of \$400 for a television set as a "necessary expense" in carrying out the purposes of an EPA appropriation. The television set was to be installed on an EPA boat which plied the waters of the Great Lakes taking water samplings. The opinion noted that the EPA scientists on board were furnished lodging and meals and thus, compensated only \$1.00 per diem and, that commercial lodgings would normally have included a television set. 54 Comp. Gen. 1075, 20 June 1970. As is evident, absent a specific appropriation providing for physical conditioning or recreational facilities or, a clear nexus between Agency functions and physical conditioning and recreating, expenditures for these purposes are generally held to be contrary to law.

9. The first OGC opinion (16 November 1951) on this question was written by Lawrence Houston and supported by a memorandum for the record on the applicable law. Referring to the 1938 Comptroller General opinion cited in paragraph 4, supra, Houston advised:

...The use of funds for this purpose has been denied in spite of the dearth of such facilities at the base, distance from the base to the closest public facilities, or the effect on the morale of employees in the absence of such facilities.

In view of this restrictive interpretation, justification for this Agency to expend funds for this purpose must be based upon unique operations, which could take us out of the purview of the decisions.

\* \* \* \*

Fundamentally, the justification for such expenditures is a factual determination for your... [the then DDS] ... consideration.

On the basis of this opinion determinations have apparently been made which permitted expenditures of appropriated funds for the physical fitness room and the limited equipment within it. According to a 5 August 1976 memorandum by the Office of Personnel, the physical fitness room was "established in order to provide for the conditioning of employees who have physically demanding official duties and those who are assigned to TDY standby status." That same memorandum asked that "our authority be reconfirmed to assign employees paid from appropriated funds to the EEA Coordinator function... and to the Physical Fitness Room." An OGC opinion dated 14 October 1976 in response to this request

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held that although appropriated funds could not be used for "purely recreational activities" physical fitness activities could be supported by the use of appropriated funds "where such expenditure is essential to the mission for which the funds were appropriated." It concluded that security and personnel requirements justified the continued use of appropriated funds for the EAA Coordinator Function and Physical Fitness Room. Upon reexamination it is our view that opinion stretched our spending authorities close to their outer limits, and it may even be that the opinion should be reconsidered, or at least bolstered by factual determinations which we understand were not made, tying the activities and expenditures in question to the Agency's mission. That is not to say the opinion is in error and indeed there are functional distinctions between a limited Physical Fitness Room and recreational facilities of the type proposed.

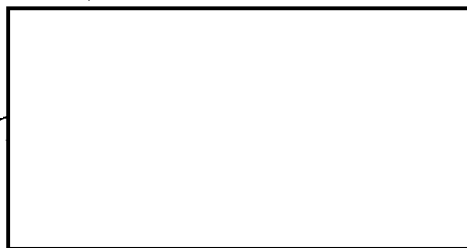
10. An argument might be made, of course, that the functions of this Agency and particularly certain responsibilities of clandestine services officers require that they be in excellent condition, and therefore, as a necessary and essential function of the Agency the Director has determined that a limited physical fitness facility is required. The thought here is that expenditures of the nature sought might be made from the Agency's confidential funds authority. Careful examination should be made, however, of the arguments and the underlying justifications before recourse to that authority. It could be argued, for example, that certain small segments of the DDO such as [redacted] OTS and others who have STATINTL duties which require substantial physical exertion must maintain excellent physical health to be able to perform their duties. In addition, those Office of Security personnel who are assigned to protective responsibilities fall into this category. In fact, it is possible that the Director along with the Office of Medical Services could establish a program and direct the maintenance of certain physical standards by personnel in these categories. On the other hand, it could be argued that while this very small percentage of Agency personnel are required to maintain good physical conditioning and therefore, a physical fitness program via appropriated funds is necessary, that the large majority of Agency employees have no such requirements. A further argument which detracts from a recourse to section 8 of the CIA Act is the fact that the Washington, D.C. area does not suffer from a dearth of recreational and physical conditioning opportunities.

11. In summary, it is the opinion of this Office that arguments cannot fairly be made to justify the expenditure of appropriated funds for the purposes enumerated in referent memorandum. Two courses of action appear open to the Agency at this time. First, request of the Congress a specific authorization

to expend funds for the proposed purposes or, in the alternative, for the existing limited facility. I am of the opinion that given the modest amounts which are proposed to be expended, conceivably a case could be made which would satisfy the Congress as to the "necessity" for such facilities. A second course open to the Agency is to view this opinion as advisory in nature and prepare an inquiry for review by the Comptroller General using as justification as many of those things which can fairly be said to be supportive of the proposition that the facilities in question are "necessary or essential" to the mission of the Agency. This Office would welcome the opportunity to draft the inquiry to the Comptroller General if you believe that is a proper course to follow and, I would suggest a preliminary informal approach before we commence drafting.

12. This has been a most difficult opinion. Clearly, there is a substantial benefit to be gained by making the proposed facilities available to Agency employees on the compound for use before, during and after work hours, but it is imperative, I believe, to steer the Agency in a course on this question which is legally correct. I am confident that most of the proposed facilities can eventually be constructed either via the appropriation process or the suggested Comptroller General opinion and, the same will have been effected without any possible charge of illegality or impropriety.

13. If I can be of any further assistance, please advise.



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